

**DATE: 17.05.2023**

**INVITATION TO BID: No. UKRKI/ITB/2023-05**

**FOR THE ESTABLISHMENT OF A FRAME AGREEMENT(s) FOR THE PROVISION OF ROAD TRANSPORTATION SERVICES FOR UNHCR CARGO WITHIN UKRAINE (Government-Controlled Areas “GCA” ONLY, i.e., Zone 1 and Zone 2),**

**CLOSING DATE AND TIME: 08.06.2023 – 23:59 hrs, Ukraine time (EET)**

---

## **INTRODUCTION TO UNHCR**

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950, by the United Nations General Assembly. The agency is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to help stateless people.

In more than seven decades, the agency has helped tens of millions of people restart their lives. Today, a staff of some 17,324 people in more than 137 countries continues to help about 89.3 million persons. To help and protect some of the world’s most vulnerable people in so many places and types of environments, UNHCR must purchase goods and services worldwide. For further information on UNHCR, its mandate and operations, please see <http://www.unhcr.org>.

Services purchased in the framework of this tender will be used to assist internally displaced persons in Ukraine.

## **1. REQUIREMENTS**

The Office of the United Nations High Commissioner for Refugees (UNHCR), Representation in Ukraine (referred to hereinafter as UNHCR), invites qualified suppliers to make a firm offer for the establishment of a Frame agreement for the provision of road transportation services for UNHCR cargo within Ukraine, GCA only, including:

**Zone 1** (ALL GOVERNMENT-CONTROLLED AREAS OF UKRAINE, EXCEPT AREAS CLOSER THAN 80 KMs TO THE FRONTLINE); and

**Zone 2** (ALL GOVERNMENT-CONTROLLED AREAS OF UKRAINE, WITHIN 80 KMs TO THE FRONTLINE).

### **IMPORTANT:**

Terms of Reference for the services are detailed in **Annex A** of this document.

UNHCR may award a Frame Agreement with an initial period of duration of one (1) year with a possible extension for another one (1) period of one (1) year. The successful bidders will be requested to maintain their quoted price for the entire duration of the Frame Agreement(s).

Description of the required services:

- Transportation of UNHCR cargo with 1.5; 5; 10; 20-tonne trucks within Ukraine, according to the ToR listed in Annex A.

Two (2) different types of deliveries (services) are requested:

1. Transportation of UNHCR cargo with 1.5; 5; 10; 20-tonne trucks **only within Zone 1**; and
2. Transportation of UNHCR cargo with 1.5; 5; 10; 20-tonne trucks **from Zone 1 to Zone 2**.

UNHCR will award only one (1) primary service provider per type of delivery service (above points 1 and 2) for all 4 truck sizes (1.5 – 20 tons); however, UNHCR reserves the right to award one or several backup suppliers, where, if the primary supplier is unable to fulfill the requirement of a purchase order resulting from the Frame Agreement, such order will be canceled with a new purchase order issued to the back-up supplier for the provision of the required goods;

Or, to engage concurrently the awarded primary and backup supplier(s) if so required to meet UNHCR's delivery requirements.

**Partial offers (i.e., not all truck sizes offered) for both zones: 1) within Zone 1; and 2) from Zone 1 to Zone 2 - will not be considered for evaluation.**

Please note that the numbers stated in the Terms of Reference, **Annex A** have been specified in order to enable bidders to have an indication of the projected requirements. **It does not represent a commitment that UNHCR will purchase the indicated volume of services.** Volumes may vary and will depend on the actual requirements and funds available regulated by the issuance of individual Purchase Orders against the Frame Agreement. UNHCR reserves the right to adjust the required volumes and to make partial awards if deemed necessary and/or appropriate.

Other United Nations Agencies, Funds and Programmes shall be entitled to the same prices and terms as those contained in the offers of the successful bidders and could form the basis for a Contract with other UN Agencies.

**IMPORTANT:**

When a Frame Agreement is awarded, either party can terminate the agreement only upon 90 days (3 months) notice, in writing to the other party.

The initiation of conciliation or arbitral proceedings in accordance with **article 18** "settlement of disputes" of the UNHCR General Conditions of Contracts for provision of Services (July 2018 version) shall not be deemed to be a "cause" for or otherwise to be in itself a termination clause.

It is strongly recommended that this Invitation to Bid document and its annexes be read thoroughly. Failure to observe the procedures laid out therein may result in disqualification from the evaluation process.

**Note: this document is not construed in any way as an offer to contract with your firm.**

Sub-Contracting: Please take careful note of article 5 of the attached General Terms and Conditions (Annex E).

**Organizational Settings:**

Awarded (bidders) shall provide the name and contact information of a Customer Relations Manager or similar, responsible for the smooth running and execution of orders placed by UNHCR in Ukraine.

**2. BIDDING INFORMATION:****2.1. ITB DOCUMENTS**

The following annexes form integral part of this Invitation to Bid:

- Annex A: Terms of Reference
- Annex B: Technical Offer Form
- Annex C: Financial Offer Form
- Annex D: Vendor Registration Form (rev. 2018)
- Annex E: UNHCR General Conditions of Contracts for the Provision of Services (rev. 2018)
- Annex F: Documentation procedures on tax reporting (for companies with VAT payer status).
- Annex G: UN Supplier Code of Conduct.

**2.2 ACKNOWLEDGMENT**

You are requested of informing us of the receipt of this ITB by return e-mail to [ukrkipro@unhcr.org](mailto:ukrkipro@unhcr.org) as to:

- Your confirmation of receipt of this invitation to bid;
- Whether you will be submitting a bid;

**IMPORTANT:**

Failure to send the above requested information may result in disqualification of your offer from further evaluation.

UNHCR can only send you directly tender updates, if any, if you inform UNHCR of the above requested.

**2.3 REQUESTS FOR CLARIFICATION**

Bidders are required to submit any request for clarification in respect of this ITB by e-mail to [ukrkipro@unhcr.org](mailto:ukrkipro@unhcr.org)

**The deadline for receipt of questions is 23:59 hrs EET on 30.05.2023**

**IMPORTANT:**

Please note that Bid Submissions are **not** to be sent to the e-mail address above. Failure to comply may result in disqualification.

UNHCR will compile the questions received. UNHCR may, at its discretion, copy any reply to a particular question to all other invited bidders at once. Following the deadline of receipt of questions, a Questions & Answers document will be prepared and posted on the UNHCR website, as well as will be shared with all bidders that have expressed interest in the tender previously.

## **2.4 YOUR OFFER**

Your offer shall be prepared in English or in Ukrainian.

Please submit your offer using the Annexes provided. Offers not conforming to the requested formats may be not taken into consideration.

### **IMPORTANT:**

Cancellation of Solicitation: UNHCR reserves the right to cancel a Solicitation at any stage of the procurement process prior to the final signature of the awarded contract.

### **IMPORTANT:**

Inclusion of copies of your offer with any correspondence sent directly to the attention of the responsible buyer or any other UNHCR staff other than the submission e-mail address will result in disqualification of the offer. Please send your bid directly to the address provided in the "Submission of Bid" section 2.6) of this ITB.

Your offer shall compose **of two segregated sets of documents:**

#### **i) Technical offer:**

- Signed and stamped **Annex A** – Terms of Reference,
  - Signed and stamped and duly filled **Annex B** - Technical Offer Form with requested documentation.
  - **Annex D** - Vendor Registration Form.
  - Signed **Annex E** - UNHCR General Conditions of Contracts for the Provision of Services (rev. 2018).
  - **Annex F** - Documentation procedures on tax reporting.
  - **Annex G** - UN Supplier Code of Conduct.
- and any other relevant documentation as required in **Annex B**.

#### **And separately:**

- **ii) Financial offer:**  
signed and stamped: duly filled Financial Offer Form, **Annex C**.

### **2.4.1 Content of the TECHNICAL OFFER**

#### **IMPORTANT:**

No pricing information should be included in the Technical offer. Failure to comply may risk disqualification. The technical offer should contain all information required.

The technical details of the services requested by UNHCR can be found in **Annex A**, Terms of Reference. A technical offer should be submitted strictly as per **Annex B**, Technical Offer Form.

Your technical offer should clearly state whether or not the services you are offering are fully conforming to the ToR given. Clearly state and disclose any discrepancies.

#### **I. Mandatory Requirements (Pre-conditions): Pass/Fail criteria**

The following **eight (8) pre-conditions** must be met by the bidder for your offer to be eligible for competition. The following should be submitted:

1. Registration certificates:  
Company registration certificate in Ukraine. Proof that your company is registered and licensed to do business of the same/similar nature of services requested by this tender. **Your company must be registered in Ukraine (bidding companies not registered in Ukraine will not be considered).**  
Your company must be registered with the Ukrainian tax authorities.
2. Proof that your company was established and has experience in delivering similar services for three (3) or more years before the date of your offer.
3. Insurance Policy: provide and submit valid insurance policy from insurance company to the vehicles and cargo insurance that covers damage to the goods or cargo being transported contained therein against risks (fire, theft, damage and third-party liability).
4. Duly completed, signed, stamped, and dated vendor registration form (**Annex D**) unless your Company is already registered with UNHCR in which case you must state your vendor ID number with UNHCR.
5. Duly signed, stamped, and dated UNHCR General terms and conditions (**Annex E**) including payment which is within 30 days from the date of receipt of invoices following satisfactory delivery of services, as confirmation of acceptance.
6. Duly signed, stamped, and dated UN Supplier Code of Conduct (**Annex G**), as confirmation of acceptance.
7. Acceptance of UN exchange rates for conversion and payment as of PO issuance date.
8. Documentation procedures on tax reporting (only for companies with VAT payer status in Ukraine): Your technical offer should contain your acknowledgment of the documentation procedures on tax reporting by signing **Annex F**.

#### **II. The following details shall also be provided in the Technical Offer.**

1. Written confirmation of acceptance of all the conditions set out in the Terms of Reference, Annex A – signed, dated and stamped **Annex A** to be submitted as part of the Technical Offer.

2. Technical Offer Form (Annex B): Bidders are required to fill in, sign, stamp and provide response to each point stated in **Annex B**.
3. The organizational structure or organizational chart to be submitted in a separate document.
4. Documents evidencing bidder's experience in the provision of cargo road transportation services over the last 3 years (minimum 3 relevant contracts if available with recommendation letters, etc.)
5. List of Trucks owned or leased by the bidding company to include but not limited to year of manufacture, make/model and capacity. **Bidder shall demonstrate an available fleet consisting of minimum 30 units of 20 Metric Ton trucks. Please submit the list of trucks in a separate sheet.**
6. Balance Sheets, as well as indicating turnover of the company for the year of 2020, 2021 and if available for 2022. Please submit the balance sheets, also indicating the turnover for each year.
7. Confirmation of the capacity for the provision of the services in Zone 1 and in Zone 2, for all trucks sizes per Zone, as per Annex B. Please mark "yes" or "no" in Annex B accordingly.
8. Any other documentation deemed by the bidder that will facilitate the evaluation of the company's substantive reliability, financial and managerial capacity to provide the requested services.

#### 2.4.2 Content of the FINANCIAL OFFER

Your separate **Annex C - Financial Offer** must contain an overall offer in a single currency, either in US Dollars, or in UAH.

Irrespective of the currency of the offer of the successful bidder(s), any subsequent purchase order will be issued in UAH and resulting payments will be executed in UAH at the United Nations rate of exchange in effect on the date of the Purchase Order (PO) issuance, following the link:

<https://treasury.un.org/operationalrates/OperationalRates.php> .

It is to be noted that currently the UN rate of exchange into UAH is lower than the prevailing market rate, and as such it is incumbent on bidder to be prudent while quoting the rates (prices).

**IMPORTANT:**

Please carefully consider and comply with the pricing model applicable to this invitation to bid.

The Financial Offer is to be submitted as per the Financial Offer Form (Annex C, first tab). Bids that have a different price structure may not be accepted.

The financial offer must cover all aspects of the services to be provided (price "all inclusive"). Bidders are required to submit rates to be maintained throughout the duration of the Frame Agreement (1+1 years).

**UNHCR is exempt from all direct taxes and customs duties. With this regard, price has to be given without VAT. However, if the Bidder is a VAT payer, this must be stated. Prices shall be quoted without VAT. However, if the bidder is a VAT payer in Ukraine, the VAT should also be indicated as per Annex C - Financial Offer Form.**

You are requested to hold your offer valid for 90 days from the deadline for submission. UNHCR will make its best effort to select a company within this period. UNHCR's standard payment terms are within 30 days after satisfactory implementation and receipt of documents in order.

UNHCR will not provide any advance payments or payments by letter of credit.

For evaluation purposes only, the offers submitted in currency other than US Dollars may be converted into US Dollars using the United Nations rate of exchange in effect on the date of the offer.

The cost of preparing a bid and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment. Any activity undertaken or expenses incurred in preparation of a contract before an actual contract is signed shall be borne by the Bidder. Advance notice or information of award is not to be considered as a contract.

## **2.5 BID EVALUATION:**

Each proposal from Bidders will be considered separately and independently. **Bidders shall submit a complete proposal covering all transportation zones and requested services.** References to previous or on-going proposals will not be considered. Award of a previous contract with UNHCR will not be considered in itself as a preference or guarantee for the award of future solicitations on the same subject.

### **2.5.1 Supplier Registration:**

The qualified suppliers will be added to the Vendor Database after investigation of suitability based on the submitted Vendor Registration Form and supporting documents. The investigation involves consideration of several factors such as:

- Financial standing,
- Core business,
- Track record,
- Contract capacity.

This will be followed later by performance evaluation as a supplier such as:

- Ability to respond quickly to agency's needs,
- Timely services delivery

### **2.5.2 Technical and Financial evaluation**

The evaluation will be conducted in 3 stages as follows (technical and financial):

#### **Technical Evaluation:**

- a. First Stage (Pre-qualification): checking and verification of submitted technical offer by UNHCR Technical Evaluation Committee (TEC). UNHCR's TEC will check the submitted technical offer on the pre-qualification and mark 'Pass' or 'Fail' against the conditions listed at point no. 2.4.1. (I.) and as shown in **Annex B**.
- b. Second Stage: assessment of the technical documents by the TEC. UNHCR nominated TEC will verify the submitted technical documents including all fleet, capacity and past experience documents. ONLY offers scoring 'PASS' to all verification points, as shown in **Annex B**, will qualify for further evaluation. For evaluation criteria \*9, \*10, \*11, and \*12, as those constitute the technical substance of the bid, if any information/document is missing, the bid will automatically be considered as non-compliant.

UNHCR may conduct a due diligence/supplier verification exercise if the bidders are not known to UNHCR or have not already worked satisfactorily for UNHCR in the past if the bidders are found to be technically compliant by-passing technical evaluation. Should the findings of the due diligence/supplier verification indicate non-suitability of bidders, the finding of the due diligence/supplier verification report will prevail. UNHCR may not conduct such exercise for those unknown bidders whose offers do not pass the technical evaluation.

The due diligence exercise, when needed, will take place following technical evaluation by the Technical Evaluation Committee (TEC) and before commencement of the evaluation of financial proposals. A representative from the Supply Unit shall join the TEC during due diligence as an observer to ensure procurement rules and procedures are followed.

**The technical component of the submission will be evaluated using the PASS or FAIL criteria (see below) and using the same structure as outlined in Annex B and based on the requirements from Annex A. Offers should meet the following requirements:**

- Submission of registration and other mandatory documents, as well as the duly completed Annex B;
- Similar work list – past experience;
- Compliance with the established UNHCR requirements – Annex A;
- Fleet capacity
- Financial stability

**Bidders' technical offers will be evaluated using the technical criteria as listed in Annex B.**

#### **Financial Evaluation:**

The financial component will be analyzed only for those bidders that pass the technical evaluation.

All bids from suppliers will be evaluated based on:

- **Total cost within Zone 1**, VAT excluded - as per the calculation formula in Annex C, second tab: "2. Calculation Sheet\_For UNHCR".
- **Total cost from Zone 1 to Zone 2**, VAT excluded - as per the calculation formula in Annex C, second tab: "2. Calculation Sheet\_For UNHCR".



The Frame Agreement(s) will be awarded to the lowest-priced qualified and technically compliant company(ies).

UN Global Compact and other factors: UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary-General Kofi Annan that would bring companies together with UN agencies, labor and civil society to support ten principles in the areas of the human rights, labour, environment and anti-corruption. We encourage our suppliers to sign up with the UN Global Compact Initiative.

## **2.6 SUBMISSION OF BID:**

The offers must bear your official letterhead, clearly identifying your company.

Bids should be submitted by e-mail and all attachments: (Terms of Reference – Annex A, Technical offer form- Annex B, Financial offer form – Annex C, Vendor Registration Form - Annex D, UN General Conditions of Contract - Annex E, UN Supplier Code of Conduct - Annex G, and Documentation on reporting of tax procedures of Ukraine - Annex F). All annexes should be in PDF format, signed, and stamped. (Copies of the PDF format documents may, as an addition, be included in Excel (Annexes B and C) or other formats, etc.

**The Technical and Financial offers shall be clearly separated (sent in separate e-mails), and no financial information shall be mentioned in the technical offer.**

**Bid must be sent by e-mail ONLY to: [UNHCR-UKR-tendercommittee@unhcr.org](mailto:UNHCR-UKR-tendercommittee@unhcr.org)** - with all supporting documents **not exceeding 20 Mb** (copies of the PDF format documents may, as an addition, be included in Excel or other formats).

Kindly indicate in the email subject field:

- UKRKI/ITB/2023-05
- Name of your firm with the title of the attachment,
- Number of emails that are sent (example 1/3, 2/3, etc)
- Whether your email is part of your Technical or Financial offer

For example:

UKRKI/ITB/2023-05 Company XXX (Technical offer email 1 of 4)

UKRKI/ITB/2023-05 Company XXX (Financial offer email 2 of 2)

**Please follow the below instructions for submitting the offers via email:**

- a. Format: PDF files (Preferred);
- b. Email size must not exceed 20 MB;
- c. For big attachment over 20MB please split into multiple numbered emails (e.g., 1/3, 2/3 and 3/3);
- d. No document downloading links are accepted. All documents must be

- attached with the email.
- e. If you are uploading number of small files, please move the files into a “ZIP folder” and send a zip file instead of each file individually.
  - f. The Technical offers and financial offers must be submitted in separate emails.
  - g. All files must be free of viruses and not corrupted.
  - h. UNHCR reserves the right to accept or reject any offers that is not following the email submission instructions.
  - i. No other person from UNHCR to be copied on the tender emails otherwise the supplier may be disqualified.

**Deadline for submission: 08/06/2023, 23:59 hrs Ukraine Time or Earlier.**

**IMPORTANT:**

- The technical offer and financial offer are to be sent in separate documents. Failure to do so will result in disqualification.

- Any bid received after this date or sent to another UNHCR email address will be rejected. UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective bidders simultaneously.

**LATE SUBMISSION OF BIDS: Bids received after the deadline for submission of bids and bids transmitted in any other manner than those indicated above will be rejected.**

**Bidders should use extreme vigilance to ensure that their bid is submitted on time.**

**UNHCR will not be responsible for, and will not take into consideration, any bids that are late due to a server failure or power outage, either locally or globally.**

UNHCR will not be responsible for locating or securing any information that is not identified in the bid. Accordingly, to ensure that sufficient information is available, the bidder shall furnish, as part of the bid, any descriptive material such as extracts, descriptions, and other necessary information it deems would enhance the comprehension of its offer.

## **2.7 BID ACCEPTANCE:**

UNHCR reserves the right to accept the whole or part of your bid.

UNHCR may at its discretion increase or decrease the proposed content when awarding the contract and would not expect a significant variation of the rate submitted. Any such increase or decrease in the contract duration would be negotiated with the successful bidder as part of the finalization of the Purchase Orders for Services.

UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective suppliers in writing. The extension of the deadline may accompany a modification of the solicitation documents prepared by UNHCR at its own initiative or in response to a clarification requested by a prospective supplier.

Please note that UNHCR is not bound to select any of the firms submitting bids and does not bind itself in any way to select the firm offering the lowest price. Furthermore, the contract will

be awarded to the bid considered most responsive to the needs, as well as conforming to UNHCR's general principles, including economy and efficiency and best value for money.

## **2.8 CURRENCY AND PAYMENT TERMS FOR PURCHASE ORDERS**

Any Purchase Order (PO) issued in response of this ITB will be made in UAH. Resulting payments will be made in UAH. The offered contract rates in US dollar value will be converted into local currency (UAH) as per the UN rate of exchange for that month. Up-to-date UN exchange rate can be found at

<https://treasury.un.org/operationalrates/OperationalRates.php>.\*

\*The UN exchange rate is lower than the local market rate in Ukraine. Given this situation, the suppliers may require to be prudent in quoting their prices.

Bidders who cannot or are unwilling to be paid in local currency (UAH) as per the UN exchange rate for that month cannot be considered for this tender.

UNHCR DOES NOT UNDERTAKE TO PAY ADVANCES, BY LETTERS OF CREDIT OR IN ADVANCE OF DELIVERY OF SERVICE.

## **2.9 UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF GOODS**

Please note that the General Conditions of Contracts, **Annex E** will be strictly adhered to for the purpose of any future contract. The Bidder must confirm the acceptance of these terms and conditions in writing.

## **2.10 ZERO TOLERANCE POLICY**

Please note that UNHCR strictly follows zero tolerance policy and as such advises its supplier not to offer any gift, favor, hospitality, etc. to its staff.

## **2.11 THE UN GLOBAL COMPACT**

UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary General Kofi Annan that would bring companies together with UN agencies, labor and civil society to support ten principles in the areas of the human rights, labour, environment and anti-corruption. UNHCR encourage bidders to sign up to this initiative at:

<https://www.unglobalcompact.org/>

Yohannes Hailu Gebre – Mariam  
Senior Supply Officer  
UNHCR Representation in Ukraine